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ATTORNEYS FOR PETITIONER

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

TARYN CHRISTIAN,	)	CIV NO. 04-00743 DAE-LEK
)	
Petitioner,	)	PETITIONER'S MOTION
	)	TO SUBMIT SUPPLEMENTAL
	)	DECLARATIONS AND AFFIDAVITS;
	)	DECLARATION OF COUNSEL;
	)	EXHIBITS A-H;
	)	MEMORANDUM IN SUPPORT;
	)	CERTIFICATE OF SERVICE
vs.)	
	)	NOTICE OF MOTION:
CLAYTON FRANK,)	
Director, State of Hawaii	)	Date: _____
Department of Public Safety,	)	Time: _____
	)	Judge: Honorable Leslie E. Kobayashi
Respondent.)	

**MOTION TO SUBMIT SUPPLEMENTAL DECLARATIONS
AND AFFIDAVITS**

Petitioner, Taryn Christian, through counsel, moves that the court permit the submission, in connection with the August 18, 2008 evidentiary hearing, of additional affidavits and declarations, copies of which are attached as Exhibits A through H.

Petitioner's counsel states:

(1) The additional material is being submitted contemporaneously with Petitioner's witness list;

(2) Counsel is informed by an investigator that two of the witnesses – Chris Dias and Annie Leong – were willing to be interviewed but were unwilling to sign affidavits or declarations. An additional witness, Joy Gaston, was unwilling to discuss the case in any depth with an investigator when an investigator contacted her recently, counsel is informed by an investigator. Nevertheless, Ms. Gaston was interviewed previously and, based on prior interviews, counsel is informed and believes that Ms. Gaston could testify about the importance jurors attached to the Kimmey-Christian audiotape. These witnesses can be subpoenaed to the evidentiary hearing despite the fact that efforts to obtain declarations were in vain.

(3) As to all the additional material reported either first hand or second hand in the affidavits, it would be in the interests of justice for the material to be considered.

For the above reasons it is requested that the attached exhibits be deemed as part of the record for the evidentiary hearing and that Petitioner be permitted to call as witnesses those persons with knowledge of the matters addressed in the attached Exhibits A through H.

Dated: August 6, 2008.

/s/ Mark Barrett
MARK BARRETT